

AMENDED IN ASSEMBLY APRIL 3, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1946

Introduced by Assembly Member Corbett

February 14, 2002

An act to *amend Section 1599.74 of, and to add Chapter 4* (commencing with Section 123222.1) to Part 1 of Division 106 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1946, as amended, Corbett. Written materials for patients.

~~Existing~~

(1) Existing law requires every contract of admission for a skilled nursing or intermediate care facility to contain a complete copy of specified patients' rights provisions, in legible print of no less than 10-point type.

This bill would instead require these provisions to be in legible print of no less than 12-point type.

(2) Existing law contains various provisions relating to personal health care and patient rights.

This bill would require ~~that any specified~~ printed materials that are provided to a patient by a ~~licensed health facility or other entity, or by a licensed health care practitioner shall be printed clearly and legibly, in no smaller than 12-point type~~ general acute care hospital, skilled nursing, intermediate care, or nursing facility, or other specified entities, and by certain health care practitioners, to be printed in at least a 12-point font that is clear and legible. The bill would further require that ~~any written materials provided to a patient regarding patient rights~~

~~and nursing home or hospital rules and regulations shall also be provided and explained to the patient's legal representative or next of kin, if any, upon admission of a patient to a skilled nursing, intermediate care, or nursing facility, or to a general acute care hospital, the facility shall provide and explain the facility's written policies and procedures, and specified patient rights information, to the patient's next of kin or agent under a durable power of attorney for health care, if known.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 1599.74 of the Health and Safety Code*
2 *is amended to read:*
3 1599.74. (a) The department shall translate both the statutory
4 Patients' Bill of Rights, as provided in Chapter 3.9 (commencing
5 with Section 1599), the regulatory Patients' Bill of Rights for
6 Skilled Nursing Facilities (commencing with Section 72527 of
7 Title 22 of the California Administrative Code), and, if
8 appropriate, the regulatory Patients' Bill of Rights for
9 Intermediate Care Facilities (commencing with Section 73523 of
10 Title 22 of the California Administrative Code), into Spanish and
11 Chinese, and into other languages as needed for ethnic groups
12 representing 1 percent or more of the nursing home population in
13 the state. The department shall also translate the Patients' Bill of
14 Rights into braille or have it recorded for the use of blind patients,
15 or both. These translations shall be sent to all long-term health care
16 facilities in the state.
17 (b) Every contract of admission shall contain a complete copy
18 of both the statutory and regulatory Patients' Bill of Rights. ~~The~~
19 *Notwithstanding any other provision of law, the* text of the
20 Patients' Bill of Rights shall be in legible print of no less than
21 ~~10-point~~ *12-point* type. If a translation has been provided by the
22 department, the text given to non-English-speaking residents shall
23 be in their language.
24 (c) The contract shall also contain a separate written
25 acknowledgement that the resident has been informed of the
26 Patients' Bill of Rights.



Written acknowledgement by the resident or the resident's representative must be made either on a separate document or in the agreement itself next to the clause informing the resident of these regulatory rights. Written acknowledgement by use of the signature on the agreement as a whole does not meet this requirement.

SEC. 2. Chapter 4 (commencing with Section 123222.1) is added to Part 1 of Division 106 of the Health and Safety Code, to read:

CHAPTER 4. WRITTEN MATERIALS FOR PATIENTS

123222.1. (a) Notwithstanding any other provision of law, any printed materials *specified in subdivision (b), that are* provided to a patient by a health facility or other entity licensed under Division 2 (commencing with Section 1200), ~~or by a health care practitioner licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, shall be~~ printed clearly and legibly, in no smaller than 12-point type.

~~(b) This section shall apply to materials including, but not limited to, documents regarding the patient's medical condition, patient rights information, and nursing home or hospital rules and regulations.~~

~~123222.2. (a) Any written materials provided to a patient regarding patient rights and nursing home or hospital rules and regulations shall also be provided to the patient's legal representative or next of kin, if any, regardless of the patient's current cognitive status. The provider shall explain the materials, or any portion thereof, to the legal representative or next of kin.~~

~~(b) Code, by a health care service plan, as defined in Section 1345, or by a health insurer, shall be printed in at least a 12-point font that is clear and legible.~~

(b) The section shall apply only to the following:

(1) Admission and discharge papers and forms from general acute care hospitals, as defined in subdivision (a) of, skilled nursing facilities, as defined in subdivision (c) of, intermediate care facilities, as defined in subdivision (d) of, and nursing facilities, as defined in subdivision (k) of, Section 1250.

1 (2) Medical and therapeutic instructions prepared by the
2 facility specifically for an individual upon his or her discharge
3 from any facility specified in paragraph (1).

4 (3) Any contract between a patient and any of the facilities
5 specified in paragraph (1), a residential care facility for the
6 elderly, as defined in subdivision (l) of Section 1569.2, a health
7 care service plan, or a health insurer. This paragraph does not
8 apply to evidence of coverage for a health maintenance
9 organization.

10 (4) Instructions and forms for advance health care directives,
11 as defined in Section 4605 of the Probate Code.

12 (5) Information regarding patients' rights, and policies and
13 procedures regarding patient care.

14 (6) Grievance and appeals forms and instructions.

15 (7) Correspondence written, printed, or produced, by or on
16 behalf of any of the facilities specified in paragraph (1), or a
17 residential care facility for the elderly.

18 (c) Any entity described in paragraph (1) of subdivision (b)
19 may continue to use its supply of materials that exists on January
20 1, 2003, until that supply is exhausted or until January 1, 2004,
21 whichever occurs first, and thereafter shall comply with the
22 requirements of this section.

23 123222.2. (a) Upon admission of a patient to a skilled
24 nursing facility, as defined in subdivision (c) of, an intermediate
25 care facility, as defined in subdivision (d) of, or a nursing facility,
26 as defined in subdivision (k) of, Section 1250, the facility shall
27 provide the patient's next of kin, or agent under a durable power
28 of attorney for health care, if known, with both of the following,
29 regardless of the patient's current cognitive status:

30 (1) Written documentation of the facility's policies and
31 procedures regarding patient care.

32 (2) A comprehensive Patients' Bill of Rights, as described in
33 subdivision (d) of Section 1599.61. Until subdivision (d) of Section
34 1599.61 is fully implemented by the State Department of Health
35 Services, the Patients' Bill of Rights provided pursuant to this
36 subdivision shall include all of the following:

37 (A) The rights contained in Chapter 3.9 (commencing with
38 Section 1599) of Division 2.

1 (B) *The resident rights applicable to skilled nursing facilities,*
2 *contained in Section 72527 of Title 22 of the California Code of*
3 *Regulations.*

4 (C) *The resident rights applicable to intermediate care*
5 *facilities, contained in Section 73523 of Title 22 of the California*
6 *Code of Regulations.*

7 (D) *The resident rights applicable to long-term care facilities*
8 *under Sections 483.10 to 483.25, inclusive, of Title 42 of the Code*
9 *of Federal Regulations.*

10 (b) *Upon admission of a patient to a general acute care*
11 *hospital, as defined in subdivision (a) of Section 1250, the hospital*
12 *shall provide the patient's next of kin, or agent under a durable*
13 *power of attorney for health care, if any, with both of the following,*
14 *regardless of the patient's current cognitive status:*

15 (1) *Written documentation of the facility's policies and*
16 *procedures regarding patient care.*

17 (2) *A comprehensive Patients' Bill of Rights, including the*
18 *regulatory patient rights for general acute care hospitals*
19 *contained in Section 70707 of Title 22 of the California Code of*
20 *Regulations, and the rights afforded to patients under Section*
21 *482.13 of Title 42 of the Code of Federal Regulations.*

22 (c) *A representative of any facility providing rules, policies,*
23 *and patient rights pursuant to this section shall do the following:*

24 (1) *Inform the patient that the patient may provide the contact*
25 *information of his or her next of kin or agent under a durable*
26 *power of attorney for health care for the purpose of requesting to*
27 *have a copy of the Patients' Bill of Rights and policies and*
28 *procedures sent by the health facility to his or her legal*
29 *representative.*

30 (2) *Explain those rules, policies, and rights to the patient's next*
31 *of kin or agent under a durable power of attorney for health care,*
32 *if any.*

33 (d) *This section shall not be construed to require the disclosure*
34 *of patient information that would otherwise be exempt from*
35 *disclosure.*